



**XUNTA DE GALICIA**  
CONSELLERÍA DO MEDIO RURAL



## Workshop on Land Tenure and Land Consolidation

### LAND CONSOLIDATION IN GALICIA

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## OUTLINE

- 1 – FRAMEWORK
- 2 – OBJECTIVE OF LC
- 3 – TYPES OF LC
- 4- INTERVENTIONS



## FRAMEWORK (1)

- Since 1950 the main instrument used to solve problems of land fragmentation in order to create better structures for the agriculture and forest sector has been **LAND CONSOLIDATION**
- Since then, more than 330.000 ha have been consolidated: 10% of the Galician territory



## FRAMEWORK (2)

The legal framework for the development of LC projects in Galicia is

- Law 10/1985 about Land Consolidation in Galicia
- Law 12/2001 about modifications of Land Consolidation in Galicia

Both are GALICIAN Laws and the responsible institution to develop LC projects is the Department responsible of rural and agriculture affairs of the Government of Galicia

Before 1985 there were applicable different legislations at Spanish level.



## OBJECTIVE OF LC

### AGRARIAN OBJECTIVES

- Promote the constitution of farms with a suitable territorial dimension
- Maintain the productive use of the rural areas
- Preserving the countryside
- Doing agriculture land use plans under the perspective of economic and social benefits

ESTABLISH POPULATION IN THE RURAL AREA TROUGH MAKING PROFITABLE THE AGRARIAN ACTIVITIES



## TYPES OF LC

1.- Compulsory basis:

(1) PUBLIC land consolidation

2.- Voluntary basis:

(2) PRIVATE land consolidation

(3) LC trough PARCEL EXCHANGING

PUBLIC land consolidation has been by far the most important type of procedure executed.



## Interventions

- Reorganization of the property: new titles
- Improvement of roads and construction of new roads
- Other interventions related to land development
- Landowners don't pay money for the procedure, but they pay "with land": reduction of 9% of the area they contribute with
  - 6% for new roads
  - 3% to solve imbalanced situations with the new holdings
  - This reduction is not applicable to landowners with an only parcel



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## PUBLIC LAND CONSOLIDATION



## AGENTS INVOLVED

1. PUBLIC INSTITUTIONS:
2. PROFESSIONAL COMPANIES (consultings)
3. LOCAL BOARD



## LC PROCEDURE

1. Initiation
  2. Suitability Study
  3. Decision: Decree
  4. Provisional Basis:
  5. Definitive Basis
  6. Land Consolidation Project
  7. Land Consolidation Agreement
  8. Ownership Reorganization Certificate
- Road Network Design and Execution



## PROCEDURE 1- Initiation

- TOP-DOWN
  - Where extreme land fragmentation is a social structural problem.
  - When it is applied by the municipalities
  - Because of public works
  - Because of mining uses
- BOTTOM-UP
  - 2/3 of landowners
  - > 50% of farmers
  - Any number of landowners who own the 65% of the area
  - Any number of landowners who own the 50%, if they compromise to managed it jointly (cooperative, associations)

NOWADAYS, the initiation is mainly BOTTOM-UP but with the support of the local and/or Galician government.



## PROCEDURE 2.- Suitability Study

It is made by the administration and includes information about: nature, farms, social aspects, economic activities, heritage, ...

It gives the support for the decision of starting a LC project

At the same time an Environmental Impact Assessment is made



### PROCEDURE 3.- Decision: Decree

To start a LC in the area defined in the suitability study is declared by the Government of Galicia as a procedure of social importance and urgent execution

From this moment, except the excluded zones within the area, the procedure is COMPULSORY for all the landowners who have parcels in the area



### PROCEDURE 4.-“Provisional Basis”

They reflect the initial situation of the area: a map with the distribution of the parcels, the ownership and the value of land

Approval by the Local Board

After the approval: public consultation; landowners can claim during this process



## PROCEDURE 5.-“Definitive Basis”

It includes the results of the resolution of the claims.

It is approved by the local board and published in the Official Gazette

Each landowner receives a document with this information

Against this approval the landowners can appeal to the Minister

Once all the appeals are solved the Basis are FINAL and the procedure can go on



## PROCEDURE 6.-Land Consolidation Project

They reflect the final situation of the area: a map with the distribution of the parcels, the ownership and the value of land

Approval by the Local Board

After the approval: public consultation; landowners can claim during this process





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## PROCEDURE 7.- Land Consolidation Agreement

It includes the results of the resolution of the claims against LC project

It is approved by the General Director responsible of the procedure and published in the Official Gazette

Each landowner receive a document with this information

Against this approval the landowners can appeal to the Minister

Once all the appeals are solved the Agreement is FINAL and the procedure can go on

Public Land Consolidation



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## PROCEDURE 8.- Ownership reorganization certificate

An official certificate with the reorganization of the property is done

After this title deed is given to each landowner

Public Land Consolidation



## Land Funds and “Unknown” Landowners

### LAND FUNDS

- It comes from the reduction of the area contributed by the landowners
- It is for solving claims and appeals as well as compensate landowners with an imbalance situation after the LC project
- Once a year has passed since the Agreement of the project is FINAL, they belong to BANTEGAL

### ABSENTEEISM: “unknown landowners”

- They are managed as if they exist, and they received a new holding.
- If in 5 years after the end of the LC the owner doesn't appear, this land will belong to the Spanish Ministry of Economy and Financial Affairs



## After 50 year of LC ...

- Too many projects initiated:
  - The economic resources are not concentrated
  - Very long procedures
- There have been developed projects in areas where there are too many conflicts about land and where LC is not socially accepted: procedures unfinished
- LC is not enough to solve the problems of small dimension of our farms
- LC in forest areas can't be developed under the same criteria than in farming areas





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## PRIVATE LAND CONSOLIDATION



## PRIVATE LAND CONSOLIDATION

- It has a voluntary basis; it is not compulsory for all the landowners which have a parcel inside the area of the project
- The area of owners who don't want to participate in the process has to be less than 10%
- It is focused on small areas
- Not very long procedures

Private Land Consolidation



## Private Land Consolidation Requisites

- Application
  - Minimum n° of landowners: 3
  - Landowners have to create an association in order to promote the procedure: cooperative, agrarian association, ...
- Minimum area:
  - Horticulture: 5 ha
  - Other cultures:
    - 30 ha if forest is less than 30%
    - 75 ha if forest is more than 30%



## AGENTS INVOLVED

- Public Administration:
  - Financing
  - Giving support
  - Controlling the procedure
  - Responsible of the construction
- Landowners:
  - They are the responsible of developing the project: consulting, surveying, ... (except works) ...



## Example of private land consolidation in A Ourada - Ponteceso



### BEFORE LAND CONSOLIDATION

Area: 28,6 ha

Nº landowners 32 (19 with an only parcel)

Nº new plots: 51

Length: 4 years (till Agreement)

Private Land Consolidation

### AFTER LAND CONSOLIDATION

Area: 28,6 ha

Nº landowners 32 (7 with an only parcel)

Nº parcels: 261



... but

The number of projects developed under this type is not very high:

- It was not promoted and it is not very well known
- There is a compromise of the landowners to finish the land consolidation project, but if one of the owners in the process decided not to support the land consolidation, this is not finished

Private Land Consolidation

